

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

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|----------------------------------|---|---|
| NALETH VONGSENGCHANH, |) | CASE NO. 7:12CV00444 |
| |) | |
| Petitioner, |) | |
| v. |) | FINAL ORDER |
| |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | By: Glen E. Conrad |
| |) | Chief United States District Judge |
| Respondent. |) | |

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the United States' motion to dismiss (ECF No. 24) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED** as without merit; the remaining motion to dismiss (ECF No. 18) is **DISMISSED** as moot; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 2nd day of April, 2013.

/s/ Glen E. Conrad
Chief United States District Judge